

INTERGOVERNMENTAL

INTRODUCTION

GENERAL INFORMATION

This chapter contains information on the following:

1. [Definitions of various intergovernmental terms and an overview of intergovernmental case processing law;](#)
2. [The Full Faith and Credit for Child Support Orders Act \(FFCCSOA\);](#)
3. [The Uniform Interstate Family Support Act \(UIFSA\);](#)
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INTERGOVERNMENTAL - DEFINITIONS AND OVERVIEW

GENERAL INFORMATION

This topic contains information on the following:

1. [Definitions of terms used in the processing of intergovernmental cases;](#)
2. [An overview of intergovernmental processing law.](#)
3. [Domestic violence procedures for intergovernmental cases.](#)

DEFINITIONS OF INTERGOVERNMENTAL TERMS

"Central Authority" -

The agency designated by a foreign government to facilitate support establishment and enforcement in case involving residents of the US.

"Child" -

The individual (whether over or under the age of majority) who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order that is directed to the parent.

"Child Support Order" -

A support order for a child, including a child who has attained the age of majority under the law of the issuing state.

"Continuing Exclusive Jurisdiction (CEJ)" -

The concept by which the tribunal with the controlling order and jurisdiction over at least one (1) party can make decisions regarding current and future child support.

"Controlling Order" -

The order that is enforceable. Under UIFSA, only one (1) controlling order exists.

"Convention" -

The Convention on the International Recovery of Child Support and other Forms of Family Maintenance, which was concluded at The Hague on November 23, 2007.

"Duty of Support" -

An obligation imposed by law to provide support for a child or spouse in conjunction with an order for child support. The definition of support can include an obligation that is or can be imposed by law to provide health care, interest, and attorney fees.

"Foreign Country" -

A country, including a political subdivision other than the US, that authorizes the issuance of support orders and:

- Which has been declared under the law of the US to be a foreign reciprocating country;
- Which has established a reciprocal arrangement for child support with this state as provided in NCGS 52C-3-308;
- Which has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under NCGS 52C; or
- In which the Convention is in force with respect to the US.

"Foreign Support Order" -

A support order of a foreign tribunal.

"Foreign Tribunal" -

The court or administrative entity or quasi-judicial entity of a foreign country which is authorized to establish, enforce, or modify support orders or to determine parentage of a child. (This includes a competent authority under the Convention.)

"Full Faith and Credit Act of 1994" -

The federal law enacted in October 1994 that requires all states to recognize support orders issued by other states (whether temporary or permanent), including paternity orders. It provides for the order to be enforced verbatim and prohibits modification unless specific jurisdictional requirements are met.

"Home State" -

The state or foreign country where the child lived with a parent or a person acting as the parent for at least six (6) consecutive months preceding the time when a petition for child support was filed. If the child is less than six (6) months of age, it is the state or foreign country where the child has lived with any of them (since its birth).

"Income" -

Includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state.

"Income Withholding Order" -

An order or other legal process directed to an obligor's employer, other debtor, or payor to withhold support from the income of the obligor.

"Initiating Agency" -

A state or tribal IV-D agency or an agency in a foreign country where an individual has applied for or is receiving child support services.

"Initiating tribunal" -

The tribunal of a state or foreign country from which a petition or comparable pleading is forwarded.

"Intergovernmental Case" -

A CSS case in which the noncustodial parent (NCP) lives and/or works in a different jurisdiction than the custodial parent (CP), and the case has been referred by an initiating agency to a responding agency for services. An intergovernmental case can include any combination of referrals between states, tribes and countries; it can also be a case in which a state is seeking only to collect arrearages, whether owed to the family or assigned to the state.

"Interstate Case" -

A case in which the parties reside or work in different states, and the case has been referred by an initiating state to a responding state for services. An interstate case also can be a case in which a state is seeking only to collect arrearages, whether owed to the family or assigned to the state. (CSS cases with direct income withholding and long arm actions in effect ARE NOT considered interstate cases.)

"Issuing State" -

The state where an tribunal issues a support order and/or a judgment that determines parentage.

"Issuing Tribunal" -

The tribunal of a state or foreign country that issues a support order or renders a judgment that determines parentage.

"Law" -

Includes decisional and statutory law and rules and regulations having the force of law.

"Limited-services" -

Services one state can request of another state to assist the requesting state's ability to process the case.

"Obligee" -

An obligee can be one of the following:

1. An individual who is owed (or is alleged to be owed) a duty of support, or in whose favor a support order has been issued or a judgment that determines parentage of a child has been issued;
2. A foreign country, state, or political subdivision of a state to which the rights to support have been assigned; or
3. An individual who is seeking a judgment to determine the parentage of his/her child; or

"Obligor" -

An obligor can be one of the following:

1. An individual who owes a duty of support;
2. An individual who is alleged but has not been adjudicated to be a parent of a child; or
3. An individual who is liable under a support order.

"One-state remedies" -

The exercise of a state's jurisdiction over a non-resident parent in accordance with the long-arm provision of UIFSA.

"Register" -

To file in a tribunal of this state a support order or judgment that determines parentage of a child issued in another state or foreign country.

"Responding State" -

The state that receives pleadings or a request for services from the initiating state or foreign country to take an action for a case. The responding state can provide limited services or the full range of services as in a two-state case.

"Spousal Support Order" -

A support order for a spouse or former spouse of the obligor.

"State" -

A state of the United States or the District of Columbia, Puerto Rico, the US Virgin Islands, or any other territory or possession subject to the jurisdiction of the US. The term also includes an Indian tribe or a foreign jurisdiction that has enacted a law or established procedures for the issuance and enforcement of support orders that are similar to UIFSA, URESA or RURESA.

"Support Enforcement Agency" -

A public governmental entity or private agency authorized to establish, enforce, or modify child support orders, file actions to determine parentage, or locate obligors and/or obligor's assets in fulfilling the aforementioned duties.

"Support Order" -

A judgment, decree, order, decision, or directive (whether temporary or final) that is issued in a state or foreign country for the benefit of a child, spouse, or former spouse which provides for monetary support, health care, arrearages, or reimbursement. It can include related costs and fees, interests, income withholding, attorney's fees, and other relief.

"Tribunal" -

A court, administrative agency, or quasi-judicial entity that is authorized to establish, enforce, or modify support orders or to determine parentage. For matters heard in North Carolina, tribunal means the General Court of Justice, District Court Division.

"UIFSA (Uniform Interstate Family Support Act)" -

The Personal Responsibility Work Opportunity Act of 1996 mandated that all states adopt this Act to replace URESA. Some of the highlights of the Act include the concepts of controlling order, continuous

exclusive jurisdiction, long-arm jurisdiction, and direct income withholding.

INTERGOVERNMENTAL CASE PROCESSING LAW OVERVIEW

For many years, interstate child support enforcement was subject to provisions of the Uniform Reciprocal Enforcement of Support Act (URESA) or the Revised Uniform Reciprocal Enforcement of Support Act (RURESA). In 1993, states began to adopt the Uniform Interstate Family Support Act (UIFSA), which was designed to solve the problems created under URESA.

Because no federal mandate requiring states to adopt UIFSA existed, Congress passed the Full Faith and Credit for Child Support Orders Act (FFCCSOA) in 1994, which required states to recognize that one order governs a case for current and prospective enforcement until that order is appropriately modified.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) required that all states have UIFSA in effect by January 1998 in order to receive federal funding. UIFSA became effective in North Carolina on January 1, 1996.

Effective June 2015, NC adopted UIFSA 2008, which implements The Hague Convention, addresses international case processing, and builds on the changes addressed in UIFSA 2001.

DOMESTIC VIOLENCE PROCEDURES - INTERGOVERNMENTAL

To ensure that the safety of case participants is properly protected, Information regarding domestic violence situations must be documented and managed carefully in both initiating and responding intergovernmental cases.

NC AS INITIATING STATE -

During the initial interview with the custodial parent (CP) and periodically thereafter as appropriate, CSS caseworkers should ask if any concerns exist regarding domestic violence related to the parties in the case. They should request that the CP provide as much documentation of the circumstances as possible, including such things as a court order, police or medical report, etc.

Caseworkers should indicate the CP's response in ACTS and document any relevant information in the case history.

The completion of the Custodian Address Memorandum document is not required if a child support order is not being pursued through North Carolina courts, because the law regarding the inclusion of an address in child support orders does not apply to orders of other states. If the CP indicates that concerns exist regarding domestic violence, CSS must advise the other state of this information and ask that the other state take appropriate actions to protect the personal safety of the CP and child(ren).

NC AS RESPONDING STATE -

When the NC CSS Central Registry receives a request from another state to establish or enforce a support order, they enter coding in ACTS to reflect the information that the initiating state provided. If the

initiating state indicates that domestic violence is an issue, the NC CSS Central Registry reviews the information that they have received and, if appropriate, requests additional information in the acknowledgment to the initiating state.

If information is requested but not received, the local CSS agency sends a second request to the initiating state and proceeds to take all appropriate actions for the case. The case cannot be closed on the basis that this information has not been received.

If the issue of the inclusion of a CP's or child's address in a court order arises when NC is enforcing another state's order, the CSS agency attorney should advise the court of any reported domestic violence concerns and request that personal information not be released, since NCGS 110-136.3 applies only to NC court orders.

If the issue of the inclusion of a CP's or child's address in a court order arises when NC has been asked to enter a new order or enforce an existing NC order, the CSS agency attorney should advise the court of any reported domestic violence concerns, that the request for services is from another state, and request that personal information not be released under the provisions of NCGS 110-136.3.

In any intergovernmental case, if the court intends to require that a CP's or child's address be included in a support order, it might be appropriate to ask that the case be continued so that additional information pertaining to domestic violence can be requested from the initiating state.

FULL FAITH AND CREDIT FOR CHILD SUPPORT ORDERS ACT (FFCCSOA)

GENERAL INFORMATION

This topic contains information on the following:

1. [An overview of the Full Faith and Credit for Child Support Orders Act \(FFCCSOA\);](#)
2. [Enforcing another state's order under FFCCSOA;](#)
3. [Collecting interest under FFCCSOA.](#)

FFCCSOA - OVERVIEW

Effective October 20, 1994, the Full Faith and Credit for Child Support Orders Act (28 USC Section 1738B) required states to enforce the terms of any permanent or temporary order (including paternity orders) issued by a court or administrative authority of the issuing state, and it prohibits modification of other states' child support orders unless certain jurisdictional requirements are met. Any payments or installments of support due under a support order are considered final judgments by operation of law and are entitled to full faith and credit. The state where the obligor resides (or is employed) is referred to as the "forum state". The Full Faith and Credit for Child Support Orders Act (FFCCOA) applies to all states, territories, possessions, and Indian tribes of the United States.

The purpose of FFCCSOA is to facilitate the enforcement of child support orders among the states. By adhering to the guidelines of FFCCSOA, jurisdictions are ensured that cases are handled uniformly

and consistently. The main premise remains that the child support order of the issuing state, as registered in the responding state, shall be enforced based on the terms as found therein.

Under the FFCCSOA, a child support order issued by a court in another state must be enforced if:

1. The issuing state had subject-matter jurisdiction to hear the matter and enter an order;
2. The issuing state had personal jurisdiction; and
3. The parties were given reasonable notice and opportunity to be heard.

FFCCSOA - ENFORCING ANOTHER STATE'S ORDER

When North Carolina is the forum for enforcement of another state's support order, the same procedures and remedies available to NC orders are applied to the enforcement of the out-of-state order. The law of the issuing state governs the interpretation of the order, but in procedures to collect arrearages, the longer statute of limitations applies.

EXAMPLE:

North Carolina is asked to enforce an order entered in New York that requires current support for the child up to age twenty-one (21). FFCCSOA requires NC to continue enforcement of support until the child is twenty-one (21), rather than age eighteen (18) or through high school up to age twenty (20), as required by NC law.

FFCCSOA - COLLECTION OF INTEREST

The collection of interest on arrearages is another example of FFCCSOA. NC law does not address collection of interest on child support arrearages, but NC can collect the interest if another state's law allows it.

EXAMPLE:

California has asked North Carolina to register a California order for enforcement. California law allows the collection of interest on child support arrearages. As the initiating state, California is responsible for calculating the amount of interest owed. NC would pursue the collection of the interest as well as the arrearages.

UNIFORM INTERSTATE FAMILY SUPPORT ACT (UIFSA)

GENERAL INFORMATION

This topic contains information on the following:

1. [An overview of Uniform Interstate Family Support Act \(UIFSA\);](#)
2. [The concepts of UIFSA and the proceedings that can be brought under UIFSA;](#)
3. [Continuing exclusive jurisdiction \(CEJ\) for interstate cases;](#)
4. [Determining the controlling order for interstate cases;](#)
5. [Determination of arrearages for interstate cases;](#)

6. [Choice of law for interstate cases;](#)
7. [Nondisclosure findings for interstate cases;](#)
8. [Rules of evidence and procedure for interstate cases;](#)
9. [One-state and limited service cases;](#)
10. ["Long-arm" procedures;](#)
11. [Interstate administrative subpoenas;](#)
12. [Direct income withholding for interstate cases;](#)
13. [The lien process for interstate cases;](#)
14. [Limited services \(such as "Quick Locate" requests and requests for assistance and discovery;](#)
15. [Interstate rendition.](#)

UIFSA - OVERVIEW

Uniform Interstate Family Support Act (UIFSA) is a state law (NCGS 52C) enacted in NC in 1996 to address the inadequacies of URESA (Uniform Reciprocal Enforcement of Support Act) in interstate case processing. In June 2015, NC adopted UIFSA 2008, which expands on the requirements of UIFSA 1996 and UIFSA 2001.

UIFSA defines the issues of jurisdiction over nonresidents and the duties of initiating and responding tribunals, and along with federal regulations, it provides one-state remedies for case processing when the noncustodial parent (NCP) resides in a different state from the custodial parent (CP).

The main concept of UIFSA is, once a support order is entered, that order controls the child support obligation. The order remains in effect whether or not the parents or child later move to another state. UIFSA contains provisions for determining which existing support order will control when multiple orders exist.

UIFSA - CONCEPTS

1. UIFSA provides for one order at any time. If multiple orders exist for a case, the controlling order must be determined.
2. UIFSA provides that a registered order continues to be the order of the issuing state and cannot be modified except in specific circumstances.
3. UIFSA contains provisions for asserting jurisdiction over a respondent. The respondent's state must help the issuing state with interstate transmission of evidence and discovery.
4. UIFSA allows enforcement through direct income withholding in the obligor's work state.
5. UIFSA provides that the issuing state's law governs interpretation of the order and that the longer statute of limitations of the two states applies for the enforcement of arrearages.
6. UIFSA remedies are available to both the obligee and obligor. For example, both the mother or alleged father can seek establishment of parentage or the modification of an existing order.

The following proceedings can be brought under UIFSA:

1. Establishment of an order for child or spousal support.
2. Enforcement of a support order and income withholding order of another state without registration.
3. Registration of a child support order of another state for enforcement.
4. Modification of a child support order issued by a tribunal of this state.
5. Registration of a child support order of another state for modification.
6. Determination of parentage.
7. Assertion of jurisdiction over nonresidents ("long-arm").

UIFSA - CONTINUING EXCLUSIVE JURISDICTION (CEJ)

A court can be the court of "continuing exclusive jurisdiction " (CEJ) if it can obtain subject matter jurisdiction and personal jurisdiction. "Subject matter jurisdiction" means that a court has the authority to find that a person has a duty to support a child and to order that person to pay child support.

"Personal jurisdiction" means that a court has the authority to make a ruling that is binding on a particular person. A court can obtain personal jurisdiction if a person resides in North Carolina, can be served in NC (also through long-arm procedures), or has taken or committed some action in NC that allows a NC court to assert jurisdiction over that person, even if that person later left the state. In NC, the District Court is authorized to hear these matters.

The court with CEJ is the only court that can make decisions regarding current or future child support. The state that enters an order retains CEJ so long as the child (or either of the parties to the case) resides in the issuing state. A state relinquishes CEJ when neither the child nor any of the parties continue to reside in the state, or when each party has filed written consent with the issuing state to transfer jurisdiction to another state that has jurisdiction over at least one (1) of the parties. No state has the authority to modify an order of another state, as long as the conditions that are required for CEJ continue to be met by the issuing state.

However, if none of the parties reside in the issuing state, the parties can consent, in a record or in open court, that a court of the issuing could continue to exercise jurisdiction to modify its order.

DETERMINING CEJ (CONTINUING EXCLUSIVE JURISDICTION)

Since UIFSA is designed to provide for only one (1) support order at a time (the controlling order), the state that has CEJ must be determined when multiple orders exist for a case. A state has CEJ under the following circumstances:

1. The obligor, obligee, or the child continue to live in the state that issued the order, or

2. The parties have filed written notice with the issuing tribunal to allow another state's tribunal to modify the order and assume CEJ.

UIFSA - DETERMINING THE CONTROLLING ORDER

UIFSA provides the following rules to determine the controlling order:

1. If only one (1) tribunal has issued a child support order, that tribunal has CEJ. That child support order controls and must be recognized.
2. If two (2) or more child support orders have been issued by tribunals of this state, another state, or a foreign country for the same obligor and child, the NC tribunal having personal jurisdiction over both the obligor and obligee can determine the controlling order.
 - A. If only one (1) tribunal has CEJ, that order controls.
 - B. If more than one of the tribunals has CEJ, an order issued by the child's current home state, where the child has lived with a parent or person acting as a parent for at least six (6) consecutive months immediately preceding the time when a petition was filed, is given highest priority. If the tribunal of the child's current home state has not issued an order, then the most recently issued order controls.
 - C. If none of the tribunals can claim CEJ, a new order must be issued, and it becomes the controlling order. The issuing tribunal becomes the tribunal with CEJ.
3. If two (2) or more child support orders have been issued for the same obligor and child and the obligor or the obligee resides in North Carolina, either party can request that a NC tribunal determine which order controls.

A support order that does not meet all of these conditions can be subject to challenge in either the issuing forum or in the state where enforcement is sought. A request for determination of controlling order should be accompanied by a copy of every order in effect and applicable pay record. Notice should be given to each party whose rights could be affected by the determination.

A North Carolina tribunal that identifies the controlling order or issues a new controlling order shall state in that order:

- The basis for its determination.
- The amount of prospective support; and
- The total amount of consolidated arrearages and accrued interest (if any).

Within thirty (30) days of issuing a determination of controlling order, the NC CSS agency shall send a certified copy to each tribunal that issued or registered an earlier order.

UIFSA - DETERMINATION OF ARREARAGES FOR MULTIPLE ORDERS

Once the controlling order has been determined, it does not eliminate any arrearages that might have accrued prior to the determination. An arrearage reconciliation calculation must be done when determining the controlling order, so that all arrearages owed under all orders can be collected through the controlling order.

When more than one order is in effect at a time, the total amount of support due is based on the highest order in effect during that time, not the total of the orders in effect. Once a determination of controlling order is made, the arrearages that accumulate from that point forward are based on the terms of the controlling order.

EXAMPLE :

Two child support orders exist for a case-- a Texas order for \$100 per month, effective Jan. 1, 1990, and a North Carolina order for \$200 per month, effective Jan. 1, 1991. By applying the rules of UIFSA, the circumstances of the case determine the Texas order to be the controlling order. The determination of arrearages would be as follows:

- For the period of Jan. 1, 1990 through Dec. 31, 1990, the arrearages accrue at the rate of \$100 per month, giving the noncustodial parent (NCP) credit for payments made during that period of time.
- From Jan. 1, 1991 forward, the arrearages accrue at the rate of \$200 per month, giving the noncustodial parent (NCP) credit for payments made during that time based on an obligation of \$200 per month.

Arrearages are consolidated into a single amount that the NCP owes at a specific point in time. The arrearage balance is then collected through the enforcement of the controlling order.

UIFSA - CHOICE OF LAW

Generally, the responding state's law controls a UIFSA proceeding. The responding tribunal applies the procedures of that state or foreign country to enforce current support, and collect arrearages and interest due on an order of another state or foreign country that is registered in North Carolina. If a court determines the controlling order and consolidates the arrearages under that order, the NC court shall apply the law of the state or foreign country issuing the controlling order, including its law on interest on arrearages.

However, UIFSA provides that the issuing state's law governs the nature, extent, amount, and duration of the current support under a registered support order, as well as the computation of arrearages and accrual of interest on arrearages under the support order. When proceeding to collect on arrearages, the law of the state with the longest statute of limitations applies.

Some exceptions exist to UIFSA's general rule that the law of the responding state applies, such as the following:

1. What known information must be included in a UIFSA petition (such as information about the parties, location information, or relief that is sought);

2. Nondisclosure of the address of the custodial parent (CP) and children (when a tribunal has determined that their health or safety might be at risk); or
3. Limited immunity from service of process when an individual is in a state to participate in a UIFSA action. (For example, an obligee comes to this state for a modification proceeding. The obligee cannot be served with a custody/visitation complaint.)

UIFSA - NONDISCLOSURE

UIFSA provides that a tribunal shall order that the address of a child or party (or other identifying information) cannot be disclosed in pleadings or other documents filed in a UIFSA proceeding, if a finding has been made that disclosing this information would put the health, safety, or liberty of a party or child unreasonably at risk.

When a referral is made to another tribunal, the referral must state whether the nondisclosure finding was made pursuant to UIFSA or due to an existing protective order. If a copy of the existing protective order exists, it should be attached to the referral.

UIFSA - EVIDENCE AND PROCEDURE RULES

UIFSA provides that the federally-mandated interstate forms are admissible in evidence when given under oath by a party or witness residing in another state. A certified copy of a child support payment record is admissible to show whether payments were made. The physical presence of the nonresident party is not required for any remedy that is allowed under UIFSA. A certified copy of a voluntary acknowledgment of paternity is admissible to establish the parentage of a child.

North Carolina tribunals shall permit a party residing outside NC to testify by telephone, audiovisual, or other electronic means at a designated tribunal or other location. NC tribunals shall cooperate with other tribunals in designating the appropriate location for the deposition or testimony.

UIFSA - ONE-STATE PROCEDURES AND LIMITED SERVICE CASES

UIFSA and federal regulations allow the initiation of an action in the state of the obligee when the obligor is in another state, without involving that second state in a formal two-state process. In one-state processing the initial state is attempting to work a case without the assistance of another state's CSS agency. States also can request the limited services of another state without formally creating a two-state case.

The advantages of working a case in-state include:

- More efficient and timely processing;
- The law of the initial state governs the amount and duration of support;
- The ability of the initial state to control enforcement and be the primary collector of payments.

The disadvantages of working a case in-state include:

- Unfamiliarity with the child support partners in another state, such as the sheriff's department and clerk of court's office;
- Dealing with an evasive noncustodial parent (NCP);
- Obtaining information in another state when unfamiliar with the rules of that state; and
- Attempting contempt prosecution when the NCP lives in another state.

ONE-STATE REMEDIES - PROCESSINGS

The use of one-state remedies refers to the exercise of a state's jurisdiction over a nonresident parent or direct establishment, enforcement, or other action by a state against a nonresident parent in accordance with the long-arm provision of NCGS 52C.

Examples of one-state remedies include:

- Use of [long-arm jurisdiction](#) in paternity and/or support establishment and modification.
- Use of [interstate administrative subpoenas](#) to secure information;
- [Direct income withholding](#).
- Sending a notice of [lien](#) to the appropriate recording office in the other state.

LONG-ARM PROCEDURES

Federal regulations require that potential interstate paternity cases be screened for the use of the long-arm statutes before initiating a two-state case. North Carolina's Uniform Interstate Family Support Act (UIFSA) provides broad provisions for asserting jurisdiction over a noncustodial parent (NCP) for the establishment or enforcement of a support order or to determine the parentage of a child. An order obtained pursuant to a long-arm proceeding gives the local tribunal continuing and exclusive jurisdiction (CEJ) for the purpose of modifying the order.

A court can also exercise personal jurisdiction over a nonresident in order to establish, enforce, or modify a support order if:

1. The individual is personally served with a summons and complaint within this state;
2. The individual submits to this state's jurisdiction by consent in a record, entering a general appearance or filing a responsive document that has the effect of waiving any contest to personal jurisdiction;
3. The individual resided with the child in this state;
4. The individual resided in this state and provided prenatal expenses or support for the child;

5. The child resides in this state as a result of the acts or directives of the individual;
6. The individual engaged in sexual intercourse in this state, and the child could have been conceived by that act of intercourse; or
7. Any other basis consistent with the constitutions of this state and the United States exists for the exercise of personal jurisdiction.

The local CSS attorney can provide assistance to the caseworker when attempting to determine whether jurisdiction can be asserted over an individual.

When it has been determined that sufficient grounds exist to exercise long-arm jurisdiction, the procedures for filing a long-arm action are:

1. The CSS caseworker obtains the necessary information to file a civil complaint from the mother. The complaint must state the basis for filing (long-arm jurisdiction), the information surrounding the relationship of the parties and children, the agency's or state's involvement in the matter, and the relief being sought (paternity and/or support establishment, reimbursement of retroactive support owed to the state, and/or medical support.)
2. The putative father is served with the complaint in accordance with Rule 4 of the NC Rules of Civil Procedure.
3. The CSS attorney files an Affidavit of Service with the court, and a hearing is scheduled.
4. Local CSS must advise the putative father of the hearing date.
5. If the putative father was properly served but fails to appear for the hearing, the court proceeds to rule on the issues properly before the court.
6. If the obligor defaults on the order at a later date, the judgment (usually by default) can be enforced by the NC court or it can be registered for enforcement in the obligor's state of residence.

When the local agency has filed a long-arm suit but has been unable to obtain service on the putative father/NCP, the local CSS agency can request assistance with service of process from the putative father's/NCP's state of residence. CSS workers should contact the Central Registry in the putative father's/NCP's state of residence to determine what fees might be charged for service.

If service cannot be accomplished, a request to establish paternity and support should be forwarded to the putative father's/NCP's state of residence. The petition should note the attempted long-arm action and the inability to proceed due to problems with service of process. The state then becomes a two-state case.

INTERSTATE ADMINISTRATIVE SUBPOENAS

The Interstate Administrative Subpoena (DSS-4700) is used as a one-state process to gather information about a noncustodial parent (NCP) from an entity located in another state. Entities include (but are not limited to) state and local governments, individuals, businesses,

and financial institutions. The subpoena sent directly to the entity involved by first class or registered mail. All entities must honor these requests as if they were issued in-state.

UIFSA - DIRECT INCOME WITHHOLDING

GENERAL INFORMATION

Direct income withholding (DIW) is an administrative one-state remedy used to enforce North Carolina orders when the noncustodial parent (NCP) is employed in a state other than NC. The initiating state's CSS office sends the I/W notice directly to the NCP's employer in the responding state.

If the employer fails to comply with the terms of the DIW, the initiating CSS agency requests the assistance of the CSS agency in the NCP's state.

Before sending an order for direct withholding in CSS cases with multiple orders, arrearages and continuing exclusive jurisdiction (CEJ) must be determined

Under UIFSA, service of a direct income withholding order is restricted to the person or entity that is defined as the obligor's employer under the income withholding laws of the obligor's work state.

INCOME WITHHOLDING ON UIB AND WORKERS' COMPENSATION

Unemployment Insurance Benefits (UIB) and Workers' Compensation benefits cannot be attached unless the work state's income withholding law defines the payor of such benefits as an employer. To determine if the work state allows this, CSS caseworkers can access the Intergovernmental Referral Guide (IRG) through the FPLS State Service Portal (SSP): <https://fplsssp.dhhs.state.nc.us/>.

DIRECT INCOME WITHHOLDING PROCEDURES

North Carolina CSS must send two (2) copies of the Income Withholding For Support (DSS-4702) document to the employer.

This information helps the employer to determine that the order is to be given the same consideration as an in-state order and to ensure that payments are directed to the correct payee.

DIRECT INCOME WITHHOLDING - METHOD OF SERVICE

UIFSA allows the orders to be sent to the obligor's employer by any appropriate service method under NC General Statutes. For more information, refer to the "[Guidelines for Diligent Service of Process](#)".

DIRECT INCOME WITHHOLDING - EMPLOYER RESPONSIBILITIES

Upon receipt of the order the employer must do the following:

1. Process the order in the same manner as an order that is issued by the state where the employer is located;
2. Provide the obligor with a copy of the order immediately; and

3. Process and distribute the payments per the instructions in the order.

Under UIFSA, the employer must comply with a direct withholding if it contains all the information indicated in the "*DIRECT INCOME WITHHOLDING PROCEDURES*" subsection above. The order remains in effect until it is suspended or terminated by a tribunal or by the state that issued the order.

The work state law applies in direct withholding cases and controls the following:

1. The fees that the employer can deduct for the withholding;
2. The time frames that the employer has for remitting payments;
3. The time frames that the employer has to begin withholding payments;
4. Any sanctions upon the employer for failure to comply with the order;
5. The meaning of "income" and "disposable income";
6. The handling of lump-sum payments to the obligor;
7. The maximum amount permitted to be withheld from an obligor; and
8. If the employer receives multiple income withholding for the same obligor, the employer complies with the work state law to determine how the income is to be withheld and allocated for the multiple child support obligees.

For example, if the obligor is working in NC and a direct withholding is sent to this state by the state of Virginia, NC law would apply in all of the matters indicated above.

DIRECT INCOME WITHHOLDING - OBLIGOR CONTEST

An NCP can contest the withholding by registering the NC order in the work state. Both the NC CSS agency that is responsible for sending the withholding and the employer should be sent notice.

Obligor Contest - NC As Responding State

If the obligor works in NC, the withholding can be contested by notifying the local CSS office in the county of residence or county of employment. Since this is a direct withholding, local CSS might not know about the withholding. Therefore, if a local CSS office receives a request to contest a withholding, the initiating state must be advised immediately. The initiating state can decide to either provide the necessary information to the local office in order to assist in making a determination for the case or to terminate the withholding and initiate a traditional two-state enforcement action by requesting that the work state (NC) register the order and resolve the matter by hearing or other remedy.

SITUATIONS WHEN DIRECT INCOME WITHHOLDING IS NOT APPROPRIATE

For CSS cases that have other issues for consideration, such as the need to establish medical support, direct withholding should not be initiated.

Direct income withholding is not appropriate in situations where a two-state CSS case already exists and the responding agency is enforcing that case. If the initiating agency determines that direct income withholding is appropriate, a request should be sent to the responding agency to close the interstate CSS case. The Income Withholding For Support (DSS-4702) document can then be sent to the employer.

Direct income withholding is not appropriate when the order is another state's order. NC CSS cannot administratively change the payee or agency or redirect the payments from the payee or agency that is designated to receive the payments for an order issued by another state.

Direct withholding also might not be appropriate in the following situations:

1. Arrearages are in dispute;
2. Active bankruptcy cases with bankruptcy petitions filed prior to October 17, 2005;
3. CSS cases with statute of limitations problems;
4. CSS cases for which more than one state might be taking enforcement action (EX: several states are pursuing collection of Public Assistance arrearages);
5. CSS cases with existing support orders that do not include income withholding language. The order cannot be modified by NC due to lack of jurisdiction; or
6. CSS cases with unresolved issues such as medical support establishment.

TERMINATING DIRECT INCOME WITHHOLDING

An employer can terminate a direct income withholding upon receipt of a tribunal's order directing the employer to do so, when the obligor terminates his/her employment, or when the state that is issuing the income withholding order advises the employer to terminate the income withholding order.

UIFSA - LIENS

GENERAL INFORMATION

Child support debts are considered liens by operation of law. In interstate one-state activities, liens can be filed on property owned by a noncustodial parent (NCP) located in a state other than the state where the NCP resides. A lien attached to a designated piece of property owned by an NCP prevents the sale or disposal of the property until the child support debt is satisfied. The property can be real (such as a house or land) or personal (such as a boat or automobile). Liens are satisfied in the order in which they have been filed.

Liens affect the credit rating of the NCP and prohibit the property from being used as collateral in other transactions. Liens should not be filed against property jointly owned by the NCP and a current spouse. However, a lien can be filed if the property is jointly owned with another party.

Federal regulations require states to give full faith and credit to child support liens. Liens must be issued in accordance with the law of the issuing state. In order to file a lien in North Carolina, the NCP must be \$3000 in arrears or three (3) months delinquent in child support payments, whichever occurs first.

For example, New York statutes might permit a lien to be filed when the NCP is \$2000 in arrears. However, the lien request from New York cannot be filed until the criterion in NC (\$3000) is met. The laws and procedures of the state where the property is located determine the appropriate entity to receive the lien for filing.

UIFSA - PROCESSING A LIEN

Once CSS caseworkers have determined that a lien is necessary, they complete the Verified Statement For Claim Of Lien/Notice Of Filing Of Verified Statement For Claim Of Lien (DSS-4698/4699) to record the lien and notify the NCP. A legal description of the property in the other state is included in the Verified Statement.

CSS caseworkers then submit the Verified Statement and proof of property to the supervisor or attorney for review. The lien request is filed with the local Clerk of Court. A transcript is forwarded to the entity responsible for filing the lien in the state where the property is located. The NCP is served with the Notice Of Lien and a copy of the Verified Statement For Claim Of Lien by Rule 4 of the NC Rules of Civil Procedure.

UIFSA - FILING AND PERFECTION OF A LIEN

The Interstate Notice of Lien (DSS-4701) is completed and forwarded to the entity in the other state responsible for filing liens in the county where the property is located.

The Intergovernmental Referral Guide (IRG) contains information about other states' lien procedures. CSS workers can access the IRG through the FPLS State Service Portal (SSP):
<https://fplsssp.dhhs.state.nc.us/>.

The lien is perfected when the Interstate Notice Of Lien is filed with the designated representative or entity in the responding state. This lien is superior over all subsequently filed liens and continues from the date of filing until discharged.

UIFSA - EXECUTING AND DISCHARGING A LIEN

Execution is the enforcement of an existing lien against the property of the NCP. It requires that the property be sold and the proceeds be used to pay the arrearage. If CSS decides to execute on the lien, the CSS agency in the initiating state requests services from the CSS agency in the responding state for assistance. The procedure then becomes a two-state process, and the appropriate paperwork is sent. If the custodial parent (CP) requests that CSS services be terminated prior to the execution on the lien, the CSS caseworker notifies the designated official in the responding state. The CP's mailing address is provided in the event that the lien is executed at a later date.

LIMITED SERVICES

GENERAL INFORMATION

A state CSS agency can seek assistance from another state's CSS agency without opening a case. These requests are sent to the other state's central registry for monitoring and assuring service delivery. The expectation is the provision of a one-time service for the initiating state (the state requesting assistance) to assist with case processing.

Examples of limited services include: Quick Locate, service of process, assistance with discovery, assistance with paternity testing, teleconferenced hearings, administrative reviews, high-volume automated administrative enforcement, and providing copies of court orders and payment records. Requests for limited services can be honored at the state's option.

LIMITED SERVICES - QUICK LOCATE

"Quick Locate" services are appropriate to find address and employment information for an out-of-state noncustodial parent (NCP). These requests can be made for in-state cases and interstate initiating cases. Quick Locate requests are sent to the responding state's Central Registry where the State Parent Locate unit accesses local sources (such as the Department of Motor Vehicles) to determine the location of the NCP. This does not require the responding state to initiate a case, send an acknowledgment of receipt of request, or verify information. Requests are transmitted electronically through CSENet.

Quick Locate services should also be used to locate custodial parents (CPs) for the purpose of distributing child support. If the initiating state has closed the intergovernmental case without notifying the responding state and the responding state has collected child support and forwarded it to the initiating state, the initiating state is responsible for re-opening the intergovernmental case, locating the CP, and disbursing the support.

LIMITED SERVICES - REQUESTS FOR ASSISTANCE/DISCOVERY

An initiating state can ask a CSS agency in another state to assist with:

1. Providing copies of documentation - This could be in the form of certified copies of orders, payment records or any other requests that can assist in case processing;
2. Providing assistance with service of process - CSS should attach the documents necessary for service of process. The responding agency finds the appropriate process server and initiates service of process. Proof of service is returned to the requesting state. Communication with the responding state is necessary to determine if that state has similar requirements for service of process and what fees might be associated with the process. The process should meet the requirements of the requesting state as to the method and proof of service;
3. Providing assistance with paternity testing - CSS should include any necessary information such as the names of paternity testing labs;
4. Providing assistance with interrogatories - CSS should attach the interrogatories. Discovery procedures are outlined in the North

Carolina Rules of Civil Procedures. Local CSS agents should consult with the CSS attorney when discovery assistance is needed for outgoing or incoming referrals;

5. Providing assistance with scheduling teleconferences for hearings and depositions - CSS should attach a copy of the hearing notice or deposition;
6. Obtaining financial data/proof of NCP's income - CSS should be specific as to the requested information; and/or
7. Obtaining signatures on attached forms - CSS should request assistance only after having attempted and failed to obtain the signature.

CSS Workers can request these services through ACTS documents or by CSENet transmittal.

All documentation needed by the receiving state to comply with the request for services should be forwarded to the responding state's Central Registry. The Central Registry forwards the request on to the appropriate jurisdiction to provide the requested service.

Upon request, the receiving CSS agency must provide the following limited services: service of process, assistance with paternity testing, assistance with discovery, and teleconferenced hearings. State's CSS agencies have the option of honoring requests for other types of limited services. The receiving jurisdiction does not open a case.

INTERSTATE RENDITION

UIFSA provides for enforcement through extradition of the obligor from another state. However, this enforcement procedure should be considered as one of the last resorts for interstate enforcement. The governor of one state might request that the governor of another state extradite an individual who is criminally charged with failure to provide support. Before an extradition request is made, the governor might ask a prosecutor to show that a UIFSA or similar proceeding has been initiated at least sixty (60) days prior or that such a proceeding would be to no avail.

Any CSS case that is being considered for extradition must be discussed with the local district attorney's office since that office is responsible for making the extradition request through the North Carolina Governor's Office.

CENTRAL REGISTRY

GENERAL INFORMATION

This topic contains information on the following:

1. [An overview of the role of the Central Registry in interstate case processing;](#)
2. [The responsibilities of the Central Registry.](#)

CENTRAL REGISTRY - OVERVIEW

Federal regulations require states to establish a central registry to receive and disseminate intergovernmental referrals and to respond to inquiries concerning intergovernmental cases. In North Carolina, the Central Registry is maintained by the Interstate Unit at the CSS Central Office. Any questions or problems concerning intergovernmental CSS cases should be directed to the Central Registry.

CENTRAL REGISTRY - RESPONSIBILITIES

Upon receiving an incoming intergovernmental case, the Central Registry:

1. Determines the completeness of the documentation;
2. Acknowledges receipt of the case;
3. Requests missing documentation from the initiating state;
4. Forwards the case to the local CSS unit;
5. Notifies the initiating state where the CSS case was sent for processing;
6. Responds within five (5) working days to any request for information on an intergovernmental case by the initiating state. These requests should be limited to situations where direct contact between the initiating CSS agency and the responding CSS agency is ineffective or impossible.

The Central Registry completes the above duties (with the exception of Item # 6) within ten (10) working days of receiving the case.

The Central Registry requests additional documentation from agencies, based on the action requested by the initiating state. The petition, certified copies of existing support orders, order modification, and certified payment records are requested, as needed. The Central Registry cannot specify all of the documentation that a local agency might need, because further assessment by local CSS could indicate the need for additional information based on the circumstances of the case.

The Central Registry forwards referrals requesting the establishment of an order and also requests for enforcement of another state's support order to the defendant's county of residence. Any requests for enforcement of an existing North Carolina support order are forwarded to the county where the support order was entered. The local CSS agency must take appropriate action for the enforcement of the existing order, including the redirection of payments to North Carolina Child Support Centralized Collections (NCCSCC).

INTERGOVERNMENTAL CASE MONITORING TIME FRAMES

GENERAL INFORMATION

This topic contains information on the following:

1. [An overview of the case monitoring time frames for interstate cases;](#)

2. [Case monitoring time frames when North Carolina is the initiating state;](#)
3. [Case monitoring time frames when North Carolina is the responding state;](#)
4. [Review and adjustment time frames for interstate cases;](#)
5. [Time frames for Non-CSENet interstate cases.](#)

CASE MONITORING TIME FRAMES - OVERVIEW

Federal regulations require the monitoring of interstate cases according to specific time frames. The same range of services should be provided to these cases as to intrastate cases, including the establishment of paternity and/or support, enforcement, and collection/ distribution. Whether North Carolina is the initiating agency or the responding agency, it is the local CSS agency's responsibility to follow-up on any interstate case promptly. All referrals must be made on the standardized federally-approved forms and other accompanying documents.

CASE MONITORING TIME FRAMES - NC AS INITIATING STATE

IDENTIFICATION OF INTERGOVERNMENTAL CASES

Within twenty (20) calendar days of determining that the noncustodial parent (NCP) is in another state or foreign reciprocating country and deciding that one-state remedies are not appropriate, CSS refers the case to the responding agency's central registry or central authority.

MULTIPLE ORDERS AND DETERMINATION OF CONTROLLING ORDER (DCO)

The initiating state is responsible for determining whether there is an existing order or orders. CSS uses the Federal Case Registry, clerk of court records, information from the custodial parent (CP), and any other available sources to research the existence of orders. Within twenty (20) calendar days of determining that multiple orders exist, CSS either asks the appropriate intrastate tribunal for a DCO and reconciliation of arrearages or refers the case to a responding state agency for a DCO and reconciliation of arrearages.

REQUESTS FOR ADDITIONAL INFORMATION

Within thirty (30) calendar days of receiving a request, the local CSS agency must provide the responding state with any requested additional information. This information should be sent directly to the responding state's local agency. If this information is not immediately available, local CSS must notify the responding state as to when the information will be provided.

CASE CHANGES

Within ten (10) working days of receiving new information concerning the case, local CSS must notify the responding state of the change and provide the information directly to the responding state's local agency. Case status changes can include information such as the receipt or termination of TANF, wage information, change of address, etc.

REVIEW AND ADJUSTMENT

Within twenty (20) calendar days after determining that a review is appropriate and should be completed by another state agency (and the receipt of sufficient information that is needed to conduct the review), CSS must send the request for review and adjustment to the other state.

ORDER PAYMENT AND RECORD REQUEST

Within thirty (30) working days of receiving a request, CSS must provide any order and payment information requested by the responding agency for a controlling order determination and reconciliation of arrearages or notify the agency when the information will be provided.

INTEREST CHARGES ON ARREARAGES

Annually and/or upon request, CSS must notify the responding state of any interest charges that are owed on overdue support on an order that the initiating state has asked the responding agency to register and enforce. Since North Carolina does not charge interest on arrearages, this is not applicable when NC is requesting a responding agency to register and enforce an NC order. However, if NC is requesting that another state register a third state's order and that state charges interest on arrearages, it is up to the NC CSS worker to contact the state that entered the order to obtain information about the interest charges and to report the calculation to the responding state. For more information, see "[Collection of Interest - Intergovernmental Orders](#)".

CASE CLOSURE

Within ten (10) working days of closing the case, CSS must direct the responding state to close the intergovernmental case and terminate income withholding.

CASE MONITORING TIME FRAMES - NC AS RESPONDING STATE

LOCATION SERVICES

Location services must be provided within seventy-five (75) calendar days if the documentation received is not sufficient to locate the obligor in North Carolina. In addition, the initiating state must be notified that additional documentation is needed in order to locate the obligor. Local CSS agencies must continue to process the CSS case to the extent possible while waiting for additional information from the initiating state or from location sources.

INTERCOUNTY TRANSFER

Within ten (10) working days of verifying the location of the noncustodial parent (NCP) in a different jurisdiction within NC and no NC support order has been entered and no action has been filed with the court to establish, register, or enforce an order, the local CSS agency must transfer the interstate case to the NCP's new county of residence and notify the initiating state of the action. The local CSS agency must forward the entire interstate referral to the local CSS agency in the obligor's new county of residence.

When the interstate referral has been filed with the court BUT no order has been entered, the local CSS agency must either:

- File for a change of venue to the new county of residence, or
- File for a voluntary dismissal of the action.

Although change of venue is the preferred action, in rare circumstances, the filing of a Voluntary Dismissal might be an option to change of venue. Consult with the CSS attorney to determine the best course of action to pursue.

If the decision is to request that the action be dismissed, the CSS attorney is responsible for drafting a Voluntary Dismissal with the court. The county that is requesting the dismissal is responsible for:

- Requesting certified copies of the interstate petition;
- Forwarding the copies to the CSS agency in the NCP's new county of residence; and
- Transferring the case to that county.

CSS cases for which an NC order has been entered OR the interstate referral has been filed with the court and a foreign support order has been registered should not be transferred, unless an appropriate change of venue has occurred.

The local CSS agency in the initiating county of residence retains a copy of the following documentation for the case file:

1. Child Support Enforcement Transmittal #1 (DSS-4556).
2. Postmaster or employment verification letters;
3. A notice to the initiating state of the case's transfer to the defendant's new county of residence.

INTERSTATE TRANSFER

Within ten (10) working days of locating the NCP in another state, the local CSS agency must return the forms and the new location information to the initiating state OR at the direction of the initiating state, forward the forms and documentation to the central registry in the state where the NCP is now located.

A copy of the postmaster verification letter must be returned with the interstate referral. When the interstate referral has been filed with the court, CSS must notify the Clerk of Court's office of the obligor's relocation to another state by completing and sending the Request For Transfer of UIFSA Case (DSS-4527).

However, if the NCP is located in another country or a tribal reservation, the responding state should return the case to the initiating state.

DETERMINATION OF CONTROLLING ORDER

Within thirty (30) calendar days of receipt of a request for a determination of controlling order, CSS must file the request with the appropriate tribunal or locate the NCP (whichever occurs later).

Within thirty (30) days of the court's determination of the controlling order, CSS must notify the initiating agency, the controlling order state, and any state where the order was registered of the controlling order determination and any reconciled arrearages.

CASE CHANGES

Within ten (10) working days of receiving new information concerning the case, local CSS must notify the initiating state of the change and provide this information directly to the initiating state's local agency. Case status changes can include information such as change of custody of the child, address changes, employment information, advance notice of any formal hearings that might result in either the establishment or modification of a support order, etc.

ORDER PAYMENT AND RECORD REQUEST

Within thirty (30) working days of receiving a request, CSS must provide any order and payment information requested by the responding agency for a controlling order determination and reconciliation of arrearages or notify the agency when the information will be provided.

CASE CLOSURE

Responding intergovernmental cases should only be closed at the direction of the initiating state or when the initiating state fails to provide information needed to further process the case.

If an initiating state provides notification that it has closed its case, the responding state must close its case within ten (10) working days of the notification. If an initiating state wishes to work its case locally and no longer requires intergovernmental services, the responding state must close its case within ten (10) working days of the notification. If an initiating state instructs a responding state to close the case and stop any income withholding, the responding state must terminate the income withholding and close the interstate case within ten (10) working days.

If the responding state initiates the case closure because of failure to provide requested information, local CSS must notify the initiating state in writing of the intent to close the case sixty (60) days prior to its closure. The case must be kept open if the initiating state provides information in response to the notice that could lead to the establishment of paternity and/or a support order or the enforcement of an order. Local CSS must notify the initiating state when a case is closed.

INAPPROPRIATE REFERRALS

When the local CSS agency receives an inappropriate referral from another state (EX: the modification of an existing order is not possible because another state has CEJ, the referral was forwarded to wrong state, etc.), the referral must be forwarded to the appropriate state's central registry. The initiating state must be advised of when or where the pleading was sent.

INTERSTATE REVIEW AND ADJUSTMENT TIME FRAMES

Within twenty (20) calendar days of determining that a request for review conducted by another state, forward the request to that state.

INTERSTATE CASE PROCESSING TIME FRAMES (NON-CSENET)

Because CSENet is not fully operational in all states, CSS workers cannot use the CSENet functionality in ACTS to document interstate case activities with Non-CSENet states. ACTS sends reminders to workers to take the next appropriate action in order to comply with interstate case processing time frames.

INTERGOVERNMENTAL CASE PROCESSING

GENERAL INFORMATION

This topic contains information on the following:

1. [An overview of intergovernmental case processing;](#)
2. [Intergovernmental case processing when North Carolina is the initiating state;](#)
3. [Information concerning when intercounty transfer is appropriate versus change of venue;](#)
4. [Intergovernmental case processing when North Carolina is the responding state;](#)
5. [Interstate initiating case closure procedures;](#)
6. [Interstate responding case closure procedures.](#)

INTERGOVERNMENTAL CASE PROCESSING - OVERVIEW

The interstate function allows workers to maintain information about intergovernmental cases. Interstate case processing is divided into:

1. North Carolina Initiating; and
2. North Carolina Responding.

For NC Initiating (outgoing) cases, the responsible CSS caseworker initiates requests for services to another agency and records the responses and activities of the responding agency. For NC Responding (incoming) cases, the worker provides services in response to a referral from an intergovernmental initiating agency.

Interstate documents are used to initiate requests and support ongoing case activities. If certain criteria are met, ACTS automatically generates some of these documents.

When workers deal with CSENet-functional states, CSENet should be used for all communications. ACTS documents case activities as a result of caseworkers sending and completing CSENet transactions. When workers send/receive requests or responses through the mail to/from Non-CSENet states, they record these activities in ACTS.

INTERGOVERNMENTAL CASE PROCESSING - NC INITIATING CASES

For NC initiating cases, the requestor of services usually resides in North Carolina. However NC residency is not a requirement for services by NC. Noncustodial parents (NCPs) also can apply for services from NC in intergovernmental proceedings. The legal remedies that NC can provide depend on whether an order exists, where the order originated, and the residencies of all parties. For NC initiating cases, the non-requesting party— whether the NCP or custodial parent (CP)— resides in a different state or country.

For cases where an NCP moves to another state, CSS workers must verify the NCP's address and determine whether any of the [one-state remedies](#) are appropriate.

Workers also must investigate if any orders exist by accessing the Federal Case Registry (FCR) or researching any order information that the CP provides. Workers can access the FCR through the FPLS State Services Portal (SSP): "<https://fplssp.dhhs.state.nc.us/>".

If CSS workers decide to refer the case to another state as an interstate case, they should send the request to that state's central registry or central authority within twenty (20) calendar days of the verification of the NCP's out-of-state address. To make the referral, CSS workers must create an NC Initiating case in ACTS.

The next step is to complete the appropriate interstate documents, with assistance from the requestor of services. The interstate forms that are required depend on the action that the other state requests. These forms, along with the appropriate supporting documentation, are forwarded to the responding state's central registry or other country's central authority that has or can obtain personal jurisdiction over the respondent.

UIFSA (NCGS 52C-3-304(a) requires only one (1) set of documents to be forwarded. However, other states could require additional copies. CSS workers must keep a copy of the petition for the CSS record.

Once the case is entered in ACTS, it follows the normal referral and disposition process. The case is processed like all other CSS cases, except for differences in interstate time frames and the use of interstate documents.

INTERCOUNTY TRANSFER VS. CHANGE OF VENUE

NC INITIATING CASES - WHEN INTERCOUNTY TRANSFER IS APPROPRIATE

Administrative intercounty transfer, rather than change of venue, is appropriate when a civil action has never been filed with the Clerk of Court. A civil action includes the registration of a foreign support order, a complaint (even if the defendant was never served), a VSA, an Application and Summons, and an Affidavit of Paternity. Change of venue is not appropriate, because no North Carolina jurisdictional issues exist.

EXAMPLE:

The custodial parent (CP) and child reside in NC and move to a different county from the one in which the CSS case is open. The noncustodial parent (NCP) resides outside NC.

1. If the CP requests CSS services in his/her new county of residence, the case should be transferred to the CSS agency in the new county of residence.
2. If the CP does not request CSS services in his/her new county of residence, the case should remain open in the original CSS agency. The exception would be if the CP receives Public Assistance (PA) benefits in the new county of residence. If so, the case is transferred to the CSS agency in the county that is providing PA benefits to the CP, but the CP should be notified prior to the transfer.

NC RESPONDING CASES - WHEN INTERCOUNTY TRANSFER IS APPROPRIATE

When the NCP moves to a different NC county than the county where the interstate case originated, CSS must determine which county is responsible for the interstate responding case. If a NC court file exists for the child support case, either a change of venue or seeking a voluntary dismissal might be appropriate to transfer responsibility to the NCP's new county of residence. In responding cases, no requirement exists for a party to request a change of venue when the NCP moves from one NC county to another NC county.

Once the fact that the NCP has left the NC county where the interstate activity initiated is determined and verified, CSS must determine if a NC court file exists in the initial county. If a court file does not exist, the case can be transferred.

If a NC court file exists, review the orders for administrative change of venue language. If this language is not included in the court order, judicial change of venue or a voluntary dismissal must be pursued.

WHEN CHANGE OF VENUE CAN BE APPROPRIATE FOR AN INTERSTATE CASE

A change of venue action can be appropriate when a civil action has been filed with the Clerk of Court. A civil action includes the registration of a foreign support order, a complaint (even if the defendant was never served), a VSA, an Application and Summons, and an Affidavit of Paternity.

EXAMPLE:

- The CP lives in another state.
- The NCP lives in County A, NC.
- An order of the other state is registered in County A. (An order is considered to be registered when filed with the Clerk of Court.)
- The NCP moves to County B, NC.

To move enforcement responsibilities to County B, a change of venue must be pursued.

INTERSTATE CASE PROCESSING - NC RESPONDING CASES

Initial North Carolina Responding (incoming) intergovernmental CSS case referrals normally are forwarded to the Central Registry.

Central Registry workers are responsible for searching the ACTS database for participants and for creating the intergovernmental case

If the search uncovers an existing case in ACTS, Central Registry workers access an internal table to determine whether to create a new case or refer the request to the CSS worker who is responsible for the existing case. Consequently, CSS caseworkers could get a referral with a new CSS case (IV-D) number that has the same participants as an existing case. In this situation, CSS workers should review the financials for the original case and determine whether the original case should be closed or made "Arrears-Only", collecting on the arrearages owed to the state.

The case that the Central Registry creates should always be the case remaining open for case processing. This is the case that the Central Registry has referenced to the requesting state for all future contact.

States can send a referral directly to a NC county. In these situations, the local caseworker need to create an interstate responding case in ACTS.

Once the case is entered in ACTS, it follows the normal referral process. It is processed like all other CSS cases, except for the differences in interstate time frames and the use of interstate documents.

Upon receiving the case from the Central Registry, local CSS must extend the full range of CSS services and process the cases to the extent possible. If necessary, CSS agencies should use local resources to confirm the noncustodial parent's (NCP's) location.

Local CSS should review the referral to determine whether that agency has jurisdiction. The referral might need to be transferred to another local agency due to the existence of a NC order or the defendant's location in another NC county.

CSS should request any additional documentation or information that is needed to process the referral, such as how paternity was established if a child was born out of wedlock. The local CSS agency can reiterate the additional information already requested by the Central Registry by using ACTS documents or CSENet transactions.

If proof of the manner in which parentage was established is not apparent in the original petition, CSS caseworkers can request the documentation by using ACTS documents or CSENet transactions (and identify the request in the notes). Continue to process the case to the extent possible.

SPECIAL RULES OF EVIDENCE AND PROCEDURE

The petitioner in the initiating state is not required to pay a filing fee or other court costs. The physical presence of the nonresident party is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment of parentage.

A NC tribunal shall permit a party residing outside of NC to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or location. A tribunal of

this state shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.

The referral must be processed to the extent possible while awaiting additional information from the initiating state. This includes verification of the defendant's location/employment and/or the redirection of payments to the NC Child Support Centralized Collections (NCCSCC) operation for private orders that are filed by plaintiffs in NC.

INTERSTATE INITIATING CASE CLOSURE PROCEDURES

The initiating agency determines when an intergovernmental case is to be closed. The initiating agency is required to notify the responding agency within ten (10) days of closing the case, to provide the reason for the closure, and to request that any income withholding be terminated. The responding agency should only close an intergovernmental case upon the request of the initiating agency or on the grounds that the initiating agency failed to provide the requested information that the responding agency needs to proceed with the case.

In the event that an initiating agency closes its case, fails to notify the responding agency and collections are receipted by the responding agency, the initiating agency must:

- Reopen the case;
- Make a diligent effort to locate the custodial parent (including the use of FPLS and CSENet); and
- Accept, distribute, and disburse any payment received by the responding agency.

INTERSTATE RESPONDING CASE CLOSURE PROCEDURES

The initiating state is responsible for determining when an intergovernmental case should be closed. When a responding state receives a request for case from an initiating state, the responding caseworker is required to notify the initiating state upon the closure. If the request is to terminate income withholding and close the case, the responding caseworker terminates the income withholding, closes the intergovernmental case, and notifies the initiating state. The responding caseworker notifies the initiating state of the closure by generating a CSENet transaction to those states that have MSC (Miscellaneous) functionality with North Carolina or by sending An ACTS document.

Whenever a local CSS caseworker receives a request for services from an initiating state, that caseworker is required to process the case to the furthest extent possible with the provided information and documents supplied. If the initiating state has not provided information or documents that are essential for the next step in providing services, the caseworker must request the needed information from the initiating state, using the Request For Additional Information (DSS-4523) document. The caseworker can then code the case as unworkable.

If the CSS caseworker has not documented the fact that the other state has responded within thirty-five (35) days after the generation of the

DSS-4523 document, ACTS generates the Interstate Responding Case Closure Intent Notice (DSS-4717). This letter informs the initiating state that the case will be closed in sixty (60) days unless notification, the requested documents, or the requested information is received.

If the initiating state has failed to contact the NC CSS caseworker or has not supplied the necessary information or documents within sixty (60) days after the generation of the DSS-4717 document, ACTS closes the case and generates the Interstate Responding Case Closure Notice (DSS-4716). This letter informs the initiating state that their case was closed and provides the date when the case was closed.

INTERGOVERNMENTAL PATERNITY ESTABLISHMENT

GENERAL INFORMATION

This topic contains information on the following:

1. [An overview of the establishment of parentage in interstate cases;](#)
2. [Paternity testing procedures for interstate cases;](#)
3. [The establishment of parentage when North Carolina is the initiating state;](#)
4. [The establishment of parentage when North Carolina is the responding state.](#)

ESTABLISHMENT OF PARENTAGE - OVERVIEW

Under UIFSA, the mother or alleged father can bring an action to establish parentage of a minor child. Pursuant to federal policy, it is not appropriate to ask a responding state to establish an order for parentage only in an interstate CSS case. The responding state has a responsibility to provide the full range of appropriate services for an interstate case.

When an alleged father requests establishment of parentage and a review of the case indicates that a legal father exists, the local CSS caseworker must refer the case to the appropriate attorney for review before initiating any court action. UIFSA provides that the issue of parentage cannot be raised as a defense in a subsequent proceeding when parentage has been previously determined by a court or other legal means. Therefore, the attorney must determine whether grounds exist to proceed in the request for the establishment of parentage.

INTERSTATE PATERNITY TESTING PROCEDURES

Federal regulations require the CSS agency in the responding state to pay for the costs of paternity testing in actions to establish paternity. The responding state is also responsible for making arrangements for the services to be provided by the laboratory, scheduling the testing, and coordinating the testing schedule with the initiating state. The initiating state must cooperate with the responding state to ensure that the custodial parent (CP) and/or child appear and have paternity testing completed.

The responding state can seek a judgment against the noncustodial parent (NCP) for the costs of the paternity test.

ESTABLISHMENT OF PARENTAGE - NC INITIATING

When the noncustodial parent (NCP) is located in another state, tribal reservation, or foreign country and paternity is at issue, the use of long-arm or voluntary acknowledgement of paternity must be the first course of action. If it has been determined that the application of long-arm statutes are not appropriate, a formal intergovernmental case involving the CSS agency in the other jurisdiction should be initiated. The action takes place in the state of the responding party.

The CSS case is updated to reflect the interstate status. A UIFSA petition is forwarded to the appropriate responding state, requiring specific documentation (for a list, see the "[INTERGOVERNMENTAL SUPPORT ESTABLISHMENT - NC AS INITIATING STATE](#)" heading). .

UIFSA (NCGS 52C-3-304(a) requires only one (1) set of documents to be forwarded. However, other states could require additional copies. In order to expedite the request to the extent possible, NC CSS must provide the number of complete sets of required documents that the responding state needs, if one is not sufficient under that state's law.

To determine the number of originals and copies of the petition that the responding state requires, CSS workers can access the Intergovernmental Reference Guide (IRG) through the FPLS State Service Portal (SSP): "<https://fplsssp.dhhs.state.nc.us/>".

ESTABLISHMENT OF PARENTAGE - NC RESPONDING

When a petition for establishment of parentage is received from another agency, the local CSS agency must review the referral to ensure that the standard petition documents and any paternity documents (affirmation, acknowledgment, and order of paternity, or paternity affidavit) have been provided. Paternity orders from other states must be given full faith and credit. The petition should not be returned to the requesting state if long-arm procedures seem appropriate and unsuccessful attempts at long-arm are not documented. Responding workers should also review ACTS to be sure that the system correctly reflects the paternity status of the child.

If an indication exists that the child was born in North Carolina, CSS caseworkers should determine whether an Affidavit of Parentage is on file. If it is on file, caseworkers should request a copy.

The CSS caseworker can then contact the alleged father in an attempt to obtain a voluntary acknowledgement of paternity (if paternity is at issue) and a support order. If no response is received from the alleged father or the alleged father fails to keep a scheduled appointment, the petition must be filed with the Clerk of Court and docketed for court.

When the petition is docketed for a court hearing in NC, a birth certificate (in addition to the Affidavit Of Parentage) is required for each child whose paternity must be established. If the initiating tribunal does not provide the birth certificate and an indication

exists that the birth of the child(ren) occurred in NC, local CSS must request a copy of the birth certificate.

INTERGOVERNMENTAL SUPPORT ESTABLISHMENT

GENERAL INFORMATION

This topic contains information on the following:

1. [The establishment of support for intergovernmental cases when North Carolina is the initiating state;](#)
2. [The establishment of support for intergovernmental cases when North Carolina is the responding state;](#)
3. [Requests for retroactive support owed to the state.](#)

INTERGOVERNMENTAL SUPPORT ESTABLISHMENT – NC AS INITIATING STATE

A tribunal of this state can request another state, tribe, or foreign country establish a support order if this state, tribe, or foreign country has jurisdiction over the child(ren) for whom support is needed. The following documents must be included in a petition for the establishment of a support order:

1. The CSE Transmittal #1 (DSS-4556);
2. The Uniform Support Petition (DSS-4552);
3. The General Testimony (DSS-4553) document;
4. When appropriate, the Affidavit In Support Of Establishing Paternity (DSS-4555);
5. Any supporting documentation related to the assistance that is requested in the petition, such as copies of birth certificates for the child(ren), notarized Affidavits Of Parentage, evidence of payment of medical bills, copies of a divorce order or separation agreement, proof of the custodial parent's (CP's) wages and child care expenses, etc.)

To determine the number of originals and copies of the petition that the responding state requires, access the Intergovernmental Reference Guide (IRG). CSS workers can access the IRG through the FPLS State Service Portal (SSP): "<https://fplsssp.dhhs.state.nc.us/>".

ACCESSING THE IRG ON THE FEDERAL OCSE WEB SITE

The Intergovernmental Reference Guide (IRG) provides information regarding other states' procedures for establishment and enforcement (whether administrative or judicial) of support orders, child support guidelines, statutes of limitation, as well as other IV-D agency contact information.

Both state and public users can access the IRG through the federal OCSE web site: "<http://www.acf.hhs.gov/programs/css/irg-state-map>". When the IRG Map page appears, click on the desired state to see information for that state.

To determine whether the other state requires specific documentation that must be included with a request for services or to obtain federal

and other state contact information, local CSS workers can access the map page, click on the desired state, and review the IRG state profile information. The public version of the IRG contains limited state office contact information.

To access other states' local CSS office contact information, CSS workers must access the IRG through the FPLS State Service Portal (SSP): "<https://fplsssp.dhhs.state.nc.us/>". Then they can access detailed contact information, as well as program profile information.

INTERGOVERNMENTAL SUPPORT ESTABLISHMENT – NC AS RESPONDING STATE

The initiating state forwards the same documents to North Carolina for the establishment of a support order as outlined in the previous section.

Upon receiving a petition to establish a support order, local CSS can attempt to obtain a voluntary support agreement and order by contacting the obligor. If the obligor fails to respond or fails to keep a scheduled appointment, the petition must be filed with the Clerk of Court and docketed for court action.

If proof of the manner in which parentage was established is not apparent in the original petition, CSS caseworkers must send a request for additional documentation.

A tribunal of this state can issue a support order, if a support order does not already exist and:

1. The individual who is seeking an order resides in another state, tribal reservation, or country; or
2. The child support services agency that is seeking the order is located in another state, tribal reservation, or country.

A tribunal can issue a support order finding that the obligor owes a duty of support, after the obligor has received notice and has had an opportunity to be heard. The order can include provisions for income withholding, payment of arrearages, liens and execution on property, etc., as outlined in civil provisions of UIFSA. The child support order must include information regarding the calculations on which the support order is based. Payment of child support cannot be conditioned upon visitation rights. Upon receipt, a copy of the signed order must be sent by mail to the initiating CSS agency and the obligor. This order becomes the controlling order.

The tribunal/ court enters temporary child support orders, not the local CSS agency. The entry of a temporary order does not confer continuing exclusive jurisdiction (CEJ) to the issuing state. A temporary child support order can be issued if:

1. The respondent/ obligor has signed a verified acknowledgment of parentage;
2. The respondent/ obligor is determined to be the parent by or pursuant to law; or
3. Other clear and convincing evidence exists that the respondent/ obligor is the child's parent.

INTERGOVERNMENTAL - REQUEST FOR RETROACTIVE SUPPORT OWED TO THE STATE

Prior to October 13, 1989, states submitted petitions for the establishment of an order for the recovery of retroactive support owed to the state for a time period prior to the start date of a child support order, because Public Assistance (PA) was paid on behalf of the child only. As of October 13, 1989, states can no longer request the recovery of retroactive support owed to those states from another state based solely on the expenditure of past paid public assistance. However, if the initiating state has established an order for retroactive support owed to the state, a request can be submitted to the responding state to enforce the terms of that judgment or order.

INTERGOVERNMENTAL ENFORCEMENT

GENERAL INFORMATION

This topic contains information on the following:

1. [The enforcement of existing orders for intergovernmental cases;](#)
2. [Administrative enforcement for intergovernmental cases;](#)
3. [The enforcement of spousal support for intergovernmental cases;](#)
4. [The use of federal courts to enforce child support orders for interstate cases;](#)
5. [The collection of interest for intergovernmental orders.](#)

ENFORCEMENT OF EXISTING SUPPORT ORDER

Under the provisions of UIFSA, remedies for enforcement of existing orders have been expanded to include direct and administrative enforcement. Registration of existing child support or income withholding orders is also allowed. Before considering which enforcement remedy to use, local CSS must review all existing orders to determine which order is controlling and what type of enforcement action can be taken. For information on determining CEJ and multiple orders, see "[UIFSA - CONTINUING EXCLUSIVE JURISDICTION \(CEJ\)](#)".

ADMINISTRATIVE ENFORCEMENT

Upon the receipt of a request for registration of an order from an initiating state, the responding support enforcement agency (without initially seeking to register the order) can use any administrative procedure that is authorized by the law of that state to enforce a support order, an income withholding order, or both.

If the obligor does not contest administrative enforcement, the order does not need to be registered. If the obligor contests the validity or administrative enforcement of the order, the order must be registered (if registration is permitted in the responding state). The responding state has the final decision regarding the implementation of the administrative enforcement or any other action to be taken.

Administrative enforcement includes income withholding, tax intercept, professional license revocation, modification of withholding, UIB intercept, liens, or any other appropriate administrative remedies available in that particular state.

For state-specific information about administrative enforcement requirements and procedures, CSS caseworkers can access the Intergovernmental Reference Guide (IRG) through the FPLS State Service Portal (SSP): "<https://fplsssp.dhhs.state.nc.us/>".

ENFORCEMENT OF SPOUSAL SUPPORT

IV-D regulations allow enforcement and collection of spousal support and spousal support arrearages, as long as the CSS agency is collecting the child support and child support arrearages. The local CSS agency must not pursue establishment or enforcement of spousal support only. The tribunal of the state issuing a spousal order has continuing exclusive jurisdiction (CEJ) to modify the spousal order throughout the existence of the support obligation.

USE OF FEDERAL COURTS TO ENFORCE CHILD SUPPORT ORDERS

Federal law makes special limited access to United States District Courts available to the IV-D program. Under this law, federal courts have jurisdiction to hear and determine, without regard to any amount of controversy, any civil action certified by the Secretary of Health and Human Services under 42 USC 652 (a) (8). Use of federal courts is limited to cases in which another state has not taken action to enforce the initiating state's court order of against a noncustodial parent (NCP) within a reasonable time and the Secretary of Health and Human Services finds that this would be the only reasonable method of enforcing the child support order.

Federal Regulation 45 CFR 303.73 establishes procedures for a state seeking to use the federal courts to enforce a child support order in another state by applying for permission through the appropriate Regional Office of Child Support Enforcement. Any request by a local agency for a case for enforcement in federal court must be made to State Child Support Services (CSS) Office, Attention: Chief, Child Support Services Program.

To apply for permission to use federal courts, the initiating statement must meet the following criteria:

1. Only authorized individuals (state CSS directors or designated state-level representatives) can submit applications;
2. US District Courts can be used only for CSS cases;
3. A court of competent jurisdiction must issue the child support order in the initiating state;
4. The initiating state must furnish evidence that the state where the NCP is present has failed to enforce the order within sixty (60) days of receiving an interstate request;
5. The initiating state must furnish evidence that using the federal courts is the only reasonable method of enforcing the order;

6. Applications can be submitted only if the initiating state has given thirty (30) days notice to the responding state's central CSS office that the initiating state intends to file an application for permission to use the federal courts if a satisfactory response is not received from the responding state and the responding state has failed to undertake enforcement;
7. The 30-day advance notice of intent to apply for permission must not be given to the responding state until sixty (60) calendar days or more after the initiating state sent a request for enforcement to the responding state; and
8. Applications must be accompanied by copies of the original request for enforcement, the notice of intention to seek certification, copies of the court order, and any response from the responding state.

Upon determining that a CSS case meets the criteria for certification, the local CSS agency provides the CSS Central Office with copies of the court order, the original request for enforcement, documentation that the responding state has failed or refused to take appropriate enforcement action, and any responses made by the responding state regarding this case. The documentation must support that the failure to take action is negligent or willful on the part of the responding state. For example, a decision to postpone a court action by the responding state because the NCP is currently unemployed would not be an appropriate CSS case for certification, nor would a case for which the state had made unsuccessful attempts to serve or contact the NCP for an enforcement action.

An appropriate request for certification could include cases where the responding state failed to respond to either initial requests for enforcement or subsequent requests for the status of the enforcement action or where letters were sent to the agency from the responding state, indicating refusal to take action. This does not include requests for additional information or petitions by the responding state in order to meet their own state's specific requirements.

In addition to documenting the failure to enforce the order, the local CSS agency must exhaust all other applicable enforcement remedies, so that the certification of this case to federal courts is the only reasonable method available. This would also include the use of tax intercept as an enforcement method for collecting past due support.

Upon determining that certification is appropriate, the CSS Central Office sends the responding state a notice of intent to certify the case to the federal courts. If the responding state communicates directly with the local CSS agency after having requested that this procedure be used, the local CSS agency must contact the CSS Central Office immediately to determine if it is appropriate to withdraw the request.

At the end of the 30-day response period, the CSS Central Office submits an application to the Federal Regional Office of Child Support Enforcement (OCSE) to certify the case for enforcement in federal court. The Regional OCSE notifies the CSS Central Office of the decision to grant or deny the request.

If certification is granted, the CSS Central Office notifies the local CSS agency. A civil action to enforce a child support order in a US District Court can then be filed on behalf of the custodial parent (CP) by the attorney who is representing the local CSS agency. The

federal courts having jurisdiction for enforcement of a child support order include the judicial district where the claim arose, the judicial district where the plaintiff resides, or the judicial district where the defendant resides.

The use of federal courts to enforce child support orders must be considered carefully and used as an enforcement method of last resort. A case that is certified for permission to use a US District Court would indicate that the responding state has failed to cooperate in an interstate child support case as required by federal regulations. Local CSS agencies should be aware that certification could result in the imposition of a federal audit penalty against the responding state.

COLLECTION OF INTEREST - INTERGOVERNMENTAL ORDERS

NC INITIATING

The federal requirement FRC 303.7(c)(7) for calculating and reporting the amount of interest to collect on arrearages falls to the initiating state. Since North Carolina does not charge interest on arrearages, this provision does not apply in situations in which NC is requesting a responding agency to register and enforce an NC order. If NC is requesting that a responding agency register a third state's order and that state's law allows the charging of interest on arrearages, however, the NC CSS caseworker should contact the state that entered the order for information about the interest charges and provide the responding state with the total amount of arrearage owed, the interest owed, and the effective date of the determination. This information can be forwarded to the responding state by CSENet transaction (for those states that have MSC functionality) or by ACTS document (for non-CSENet states).

NC RESPONDING

If the law of the initiating state allows for the collection of interest on unpaid child support, the initiating state is responsible for reporting the interest charged to the responding state. If the responding state has registered an order of a state that allows the charging of interest, the responding state is responsible for the collection of the interest as well as the arrearages. This information can be requested by CSENet transaction (for those states that have MSC functionality) or by sending an ACTS document (for non-CSENet states).

REGISTRATION OF ORDERS

GENERAL INFORMATION

This topic contains information on the following:

1. [An overview of the registration of intergovernmental orders;](#)
2. [The effect of registration of intergovernmental orders;](#)
3. [Registration when North Carolina is the initiating state;](#)
4. [Registration when North Carolina is the responding state;](#)
5. [Registration of orders when both parties reside in North Carolina;](#)

6. [Contesting registration of intergovernmental orders;](#)
7. [Confirmation of registered orders;](#)
8. [Registration of orders for enforcement only;](#)
9. [Registration of orders for modification.](#)

REGISTRATION - OVERVIEW

Since UIFSA provides that either the obligee or obligor can request registration of a foreign support order, the petitioning party can be referred to as the "movant" and the defendant as the "non-registering party". A child support order or income withholding order can be registered for enforcement, modification, or both. Registration should be used when a civil order for support exists, and the nonregistering party is located in another state. Criminal orders cannot be registered due to the limited life of the order.

EFFECT OF REGISTRATION

UIFSA requires states to enforce child support orders entered by other states, and it prohibits states from modifying child support orders from other states unless certain jurisdictional requirements are met. The responding state uses and enforces the order based on the initiating state's order amount, arrearages, and age of emancipation. The longer of the two states' statutes of limitations for arrearage collection applies. Modification of the order can only occur under very strict circumstances. An existing support order can be registered as often as needed when an obligor relocates from state to state.

REGISTRATION - NC INITIATING

A determination of the controlling order and arrearages is made. The following documents and information are sent to the responding state's central registry:

1. A Child Support Enforcement Transmittal # 1 (DSS-4556), requesting registration and enforcement.
2. Two (2) copies (including one certified copy) of all orders to be registered, including any modifications. "All orders to be registered" includes the controlling orders and all orders that are used to determine the arrearages. If the order to be registered is stated in a foreign currency, the initiating agency is responsible for converting the amounts into the equivalent amount in US dollars, using an official market exchange rate. CSS workers should update the arrearages annually to reflect the current official market exchange rate and document the exchange rate that is used for the calculation in ACTS.
3. A Registration Statement (DSS-4557), which provides specific order information. A separate Registration Statement must be sent with each order under consideration for registration;
4. A certified statement by the custodian of the records showing the amount of any arrearage and including the date and amount of the last payment.

REGISTRATION - NC RESPONDING

The responding state registers the order by filing the request with the court. The petitioner in the initiating state is not required to pay a filing fee or other court costs.

The responding state generates and sends notice of the registration to the noncustodial parent (NCP). UIFSA provides that this notice can be sent by the appropriate methods that are used under a state's statutes. For North Carolina registrations, it is recommended that Rule 4 of the Rules of Civil Procedure be used. If the nonregistering party does not request a hearing, the registered order is confirmed by operation of law.

REGISTRATION - BOTH PARTIES RESIDE IN NC

When the custodial parent (CP) requests services from one North Carolina county, the noncustodial parent (NCP) resides in a different NC county, and an order exists in another state, the order should be registered in the county where the NCP resides.

The CP's CSS county is responsible for obtaining copies of all the orders (including one certified copy), as well as a certified pay record or sworn statement of arrearages from the other state. CSS caseworkers can use the CSE Transmittal #3 (DSS-4704) to request the information from the other state's Central Registry, or they can make a request directly to the court where the order originated.

The CP's CSS county is also responsible for completing the registration statement and contacting the CP to advise him/her of the intercounty transfer of the case. The CP's CSS county forwards copies of the orders, pay records/sworn statement of arrearages, and registration to the NCP's CSS county along with a request to register the order. The CP's CSS county transfers the case to the NCP's CSS county and advises the NCP's CSS county supervisor of the request for registration.

CONTEST OF REGISTRATION

If the noncustodial parent (NCP) contests the registration, a hearing must be requested within twenty (20) days of the date when the notice of registration was served. (The number of days can vary from state to state.) Caseworkers should allow three (3) additional days to meet the requirement of Rule 6E of the Rules of Civil Procedure.

When a hearing is scheduled, notice of the date, time, and location of the hearing must be provided to the initiating state immediately.

Under UIFSA, the non-registering party has the burden of proving one or more of the following defenses:

1. The issuing tribunal did not have personal jurisdiction over the nonregistering party;
2. The order was obtained by fraud;
3. The order has been vacated, suspended, or modified by a later order;
4. The issuing tribunal has stayed the order pending an appeal;

5. A defense to the remedy sought exists under the law of this state;
6. Full or partial payment has been made; or
7. The statute of limitations precludes enforcement of some or all of the arrearages.
8. The alleged controlling order is not the controlling order.

The nonregistering party can return to the issuing tribunal to initiate a contest action that might be available under the issuing state's general laws.

If the nonregistering party only contests the arrearage calculations, the CSS agency should ask the registering tribunal to require the payment of current support, pending the outcome of the arrearage contest. If the nonregistering party proves that the arrearage calculation is incorrect, the responding state should insure that the confirmation order includes the correct arrearage amount.

CONFIRMATION OF REGISTERED ORDERS

Confirmation of the registered order (by operation of law or after notice and hearing) precludes a further contest of the order with respect to any matter that could have been raised at the time of registration. If the nonregistering party fails to respond to the notice, the order is confirmed by operation of law and enforcement action can be initiated. When a hearing is conducted, a confirmation order must be entered, confirming the terms of the registered order and the arrearages asserted to be due from that order.

REGISTRATION FOR ENFORCEMENT ONLY

GENERAL INFORMATION

An existing support order can be registered for enforcement only when direct income withholding or administrative enforcement in another state is not possible. When an order is registered for enforcement only, the registered order remains an order of the issuing/ initiating tribunal.

REGISTRATION FOR ENFORCEMENT ONLY – NC AS INITIATING STATE

Prior to registration, workers must determine all existing child support orders (including modifications) that are associated with the CSS case. If more than one order exists, a tribunal having personal jurisdiction over both the obligor and obligee can make a determination of the controlling order. The initiating state is responsible for reviewing the orders and deciding which state should determine the controlling order. The controlling order is the order to be enforced, although it might not be the only order used to determine arrearages.

Any valid child support order can be used to calculate arrearages. In multiple order situations, it is recommended that the order setting the support obligation at the highest amount (from the effective date of that order) be used. Credit should be applied for payments based on that (or any other) order. The arrearage calculation should be clearly and accurately prepared; a month by month breakdown is

recommended. If more than one order is used to determine the arrearage, workers should note the time periods that are applicable to each order on the calculation sheet.

To determine the number of originals and copies of the petition that the responding state requires, CSS workers can access the Intergovernmental Reference Guide (IRG) through the FPLS State Service Portal (SSP): "<https://fplsssp.dhhs.state.nc.us/>".

REGISTRATION FOR ENFORCEMENT ONLY – NC AS RESPONDING STATE

When reviewing the referral, the local CSS workers should notify the initiating agency when discrepancies in the controlling order or arrearages are found to request an amended registration packet. The registration packet should not be filed until the discrepancies are corrected and the amended registration packet has been received. Upon receiving the amended registration packet, CSS must file the packet with the Clerk of Court.

However, if the proof of the manner in which parentage was established is not apparent in the original petition:

- Review all court orders. Language might exist in the order that speaks to the paternity of the child(ren);
- Check the IRG Paternity questions and answers for the state in question;
- Request the documentation by using ACTS documents or a CSENet transaction and identify the request in the notes;
- Proceed with the registration and enforcement of the case;

Continue to contact the other state until the information is provided. Once the other state returns the supporting documentation, CSS workers update ACTS with the correct information.

When the registration referral is filed, the CSS case caption that is entered on the Notice of Registration must remain the same as the caption on the referral. The Clerk of Court assigns a docket number and issues the Notice of Registration for service on the nonregistering party by first class, certified, or registered mail or by personal service. A copy of the registered order, the Registration Statement (DSS-4557), and a certified arrearage statement must accompany the Notice of Registration.

The Notice of Registration informs the nonregistering party of the legal effect of registration, the action being requested (enforcement, modification, or both), the right to contest the validity or enforcement of the order, the results of failure to contest the validity or enforcement of the order, and the amount of any alleged arrearage. The notice should also include the amount of current support and the next payment due date.

If order that is being registered is from a foreign country, the responding state must convert the financial terms of the obligation from the amount that is stated in foreign currency to the equivalent amount in US dollars.

REGISTRATION FOR MODIFICATION

GENERAL INFORMATION

The procedure of registration for modification involves two (2) processes:

1. The registration of the existing order; and
2. The subsequent modification of the registered order.

The documentation required for registration must be received, as well as a petition for modification that outlines the basis for requesting modification. It is recommended that both packets of documentation be filed simultaneously.

Before any modification can be made, CEJ (Continuing Exclusive Jurisdiction) must be determined. Therefore, regardless of whether the obligee or obligor requests assistance, the worker must determine whether the modification request is appropriate.

When a registered order is confirmed, the local tribunal can modify the order if:

1. The obligor, obligee, and the child no longer reside in the issuing state, the movant or party asking for the modification does not reside in this state, and the nonregistering party is subject to the personal jurisdiction of this state; or
2. At least one (1) party (or the child) is subject to the personal jurisdiction of the responding tribunal, and all parties have filed a written consent in the issuing tribunal authorizing a tribunal of this state to modify the order and assume CEJ. The case caption on any order that is entered as a result of registration must remain as the caption on the referral.

Even if a North Carolina order exists and all parties have left the state, the parties can consent in a record or in open court that a NC tribunal can continue to exercise CEJ and modify its order.

When the tribunal finds that jurisdiction for modification can be asserted, a modification order can be entered. As a result, the local tribunal has CEJ. The order can be enforced as if it had been issued by a tribunal of this state, and it is subject to the same requirements, procedures, and defenses.

Any aspect of the registered order that is not modifiable in the issuing state (such as duration of support) cannot be modified by the local tribunal. Within thirty (30) days after a modified child support order is issued, a certified copy of the order must be filed with the issuing tribunal that previously had CEJ over the earlier order. A certified copy of the Notice Of Determination Of Controlling Order (DSS-4705) along with a copy of the modified order is sent to tribunal where the CSS agency knows that the earlier order has been registered.

REGISTRATION FOR MODIFICATION - NC AS INITIATING STATE

The procedures for modification are the same as those for registering an order for enforcement. A packet requesting registration and a

standard petition for modification must be done simultaneously in all applicable CSS cases. The verified petition must state the grounds supporting a modification. Once the order is modified, the responding tribunal gains CEJ.

REGISTRATION FOR MODIFICATION - NC AS RESPONDING STATE

When a request to register an existing order for modification is received, the local CSS caseworker must review the documents to determine the controlling order.

After an existing order is registered and confirmed, the modification request can be considered. The tribunal can modify the existing order if the conditions for modification are met.

The modification of a registered order is subject to the same requirements, procedures, and defenses that apply to the modifications of an order issued by a tribunal in NC. NC child support guidelines are used to determine the child support obligation. A tribunal in NC cannot modify any aspect of a child support order that cannot be modified under the law of the issuing state. The age of emancipation is an example of a non-modifiable aspect of a child support order. Any order that has been registered for modification and subsequently is modified becomes an order of the responding tribunal.

INTERGOVERNMENTAL REVIEW AND ADJUSTMENT

GENERAL INFORMATION

This topic contains information on the following:

1. [An overview of review and adjustment for interstate cases;](#)
2. [Responsibilities of the initiating state in the review and adjustment process for interstate cases;](#)
3. [Responsibilities of the responding state in the review and adjustment process for interstate cases.](#)

REVIEW AND ADJUSTMENT OF INTERSTATE CASES - OVERVIEW

Federal Regulation 45 CFR 303.8 (f) designates the requirements for review and adjustment activities across state lines. The applicable laws and procedures for review and adjustment of child support orders, including the guidelines for setting child support awards, are those of the state where the review and possible adjustment take place. Each state (whether initiating or responding) has a responsibility in the review and adjustment process.

REVIEW AND ADJUSTMENT - INITIATING STATE RESPONSIBILITIES

Federal regulations require that Public Assistance (PA) cases be reviewed every three (3) years and that Non-Public Assistance (NPA) cases be reviewed upon request. For those mandatory reviews, the initiating state must determine whether a review should be conducted and in which state the review and adjustment will be sought within fifteen (15) calendar days of October 13, 1993, or on the date when the child support order is thirty-six (36) months old (whichever

occurs later). Subsequent reviews must be conducted at 36-month intervals based on either:

- The date when the child support was adjusted;
- The date when an order was entered which determined that the order should not be adjusted; or
- The date when the post-review challenge period ended, if a motion was not filed with the court following a review.

The initiating state must also request a review every thirty-six (36) months for any case in which support rights are assigned to the initiating state but an order for child support was entered in another state. This places responsibility on the initiating state to request that the responding state conduct the review.

If a request for a review is made in either the initiating state or the responding state, that state must determine whether a review should be conducted and in which state the review and adjustment will be sought, within fifteen (15) calendar days of the request for review. Factors that are considered when evaluating the suitable forum for conducting the review include the location of the existing order(s), the present residence of each party, and jurisdiction over the parties.

If the initiating state determines that the appropriate order to review is in-state, it must:

- Provide notice;
- Conduct a review; and
- Adjust the order; OR
- Determine that an adjustment is not warranted within one hundred-eighty (180) calendar days.

If the initiating state determines that it is appropriate to request a review of an order in another state, it must provide sufficient information and the request for a review to the responding state within twenty (20) calendar days of receiving sufficient information to conduct the review.

If the request for review is the first contact between the initiating and responding states, the initiating state must notify the responding state's central registry of the request for the review. If a referral between the states has already been made, the request for review can be forwarded directly to the local CSS agency that is working the case. The local agency must forward a copy of any notice issued by the responding state to the in-state party within five (5) working days of receiving such a notice.

REVIEW AND ADJUSTMENT – RESPONDING STATE RESPONSIBILITIES

Within fifteen (15) calendar days of receiving a referral from another state requesting a review of an order in effect in that state, local CSS must determine whether a review should be conducted. This determination of whether or not to conduct a review is governed by the responding state's review and adjustment procedures.

Within one hundred-eighty (180) calendar days of determining that a review should be conducted or of locating the nonrequesting party (whichever occurs later), the responding state must:

- Send the notice to each party that a review will be conducted;
- Conduct the review;
- Send the notice of the proposed adjustment; and
- Adjust the order, if appropriate.

Once the local CSS agency that is responsible for conducting the review receives the case, the procedures for conducting the review should be no different than those used in intrastate cases. If the information that is received is inadequate, the responding state must request the information from the initiating state's CSS agency. The responding state must process the case to the extent possible pending the response from the initiating state.

Advising all parties that a review will commence in thirty (30) days satisfies the requirement that the responding state provide notice to the initiating state in advance of any formal hearings that might result in the establishment or modification of an order. Notice of the review is sent to the parent in the initiating state through that state's CSS agency and is to be forwarded to the party within five (5) working days of receiving the notice.

INTERNATIONAL CASE PROCESSING

GENERAL INFORMATION

This topic contains information on the following:

1. [Reciprocal arrangements with other countries;](#)
2. [Preparation and review of international cases;](#)
3. [Translation services for petitions from foreign countries.](#)

RECIPROCITY WITH OTHER COUNTRIES

NCGS 52C permits handling international cases with any foreign jurisdiction that has a substantially similar reciprocal law in effect. Arrangements for child support were developed between individual states and various foreign countries, based on the principles of "comity"-- the voluntary recognition and respect given to the acts of another nation's government-- as well as formal statements of reciprocity developed at the federal level. Countries with which the United States has entered into formal agreements are called "foreign reciprocating countries" (FRCs).

Reciprocity requires cost-free provision of services to US residents who are seeking to establish paternity and support and enforce support obligations against individuals living in the other country. The FRC is not required to have identical procedures as a US state.

The Federal Office of Child Support Enforcement (OCSE) has established reciprocity with the nations of Australia, the Czech Republic, El Salvador, Finland, Hungary, Ireland, Israel, the Netherlands, Norway, Poland, Portugal, the Slovak Republic, Switzerland, and the United Kingdom (England, Northern Ireland, Scotland, and Wales). Reciprocal agreements also have been established with the Canadian Provinces of Alberta, Labrador, Manitoba, New Brunswick, Newfoundland, the Northwest Territories, Nova Scotia, Nunavut, Ontario, Saskatchewan, and the Yukon Territory.

North Carolina has established additional reciprocal agreements with Germany, Sweden, and the United Kingdom.

Federal regulations provide services at the federal level through a "Central Authority" to ensure an efficient and workable system in cooperation with the states and FRCs. OCSE serves as the US Central Authority for International Child Support to US states when a problem exists between a state and an FRC.

PREPARATION AND REVIEW OF INTERNATIONAL CASES

CSS must send outgoing cases involving a foreign jurisdiction in the standard UIFSA format to the central authority of the foreign country with which North Carolina has a reciprocal agreement. CSS must review paternity establishment requests carefully to ensure strong paternity evidence, such as a written acknowledgement of paternity or copies of receipts for any medical or birth expenses that the defendant might have paid previously, and include this evidence in the petition. If necessary, CSS should use the testing laboratory that is currently under contract with the State to perform paternity testing.

The web site "<http://www.acf.hhs.gov/programs/css/international/>" provides specific information about reciprocal countries and the policy dealing with international child support.

TRANSLATION SERVICES

CSS workers need translation services for documents when they initiate requests to non-English-speaking foreign reciprocating countries (FRCs). In international cases where North Carolina is the responding state, the initiating FRC is responsible for having documents translated into English before sending the request to NC.

Many companies in NC provide translation services. Fees and turnaround time vary, depending on the complexity of the document. The NC Division of Social Services (DSS) has approved [CETRA, Incorporated](#), to translate documents. Contact local DSS or the county Clerk of Court office to obtain information about the translation services that are available locally.

CSENET (CHILD SUPPORT ENFORCEMENT NETWORK)

GENERAL INFORMATION

This topic contains information on the following:

1. [An overview of CSENet \(Child Support Enforcement Network\);](#)
2. [The Interstate Case Reconciliation \(ICR\) Project.](#)

CSENET - OVERVIEW

CSENet is a nationwide communications network that links individual state child support systems together. Over this network, states use standard transactions to electronically request or report information.

Each state has a workstation, software, and communications technology to interface with CSENet. The CSENet application software contains options allowing each state to select the features that best compliment their state's CSS system.

The ACTS/CSENet interface is designed to automate the generation and receipt of interstate transactions and communications for activities related to interstate processing. These activities involve both outgoing and incoming requests and include the following:

1. Referring interstate cases between states;
2. Handling interstate noncustodial parent (NCP) locate requests;
3. Establishing and enforcing interstate paternity and support orders; and
4. Exchanging case and participant data updates.

The primary goal of CSENet processing is to minimize the amount of caseworker interaction that is required to facilitate routine ongoing interstate communications.

INTERSTATE CASE RECONCILIATION (ICR) AND CSENET

In an attempt to provide more effective service for interstate cases, the Federal Office of Child Support Enforcement (OCSE) initiated the National Interstate Case Reconciliation (ICR) Project. States submitted cases that were identified as "interstate" to OCSE to be matched against other states' records and the Federal Case Registry (FCR).

END